

Notice of Allowability

Application No.

10/021,749

Examiner

Tran N. Nguyen

Applicant(s)

LEGFER ET AL

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☐ The allowed claim(s) is/are 1-5.
3. ☒ The drawings filed on 10 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Examiner's Amendment

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **must** be submitted no later than the payment of the Issue Fee. Please change the following:

In the claim:

In claim 1:

line 1, *delete* “, in combination,”

line 7, change “the latter” to **--said shaft means--**

line 8, before “a flywheel” *add* **--said fuel cell powered electrical motor further comprising a flywheel means and fuel cell stack means, wherein--**

line 8, change “a flywheel” to **--said flywheel--**

line 9, change “the latter” to **--said shaft means--**

line 10, before “fuel cell” *add* **--said--**

line 10-11, change “between said shaft means and stator means, concentrically with the former and the latter” to **--and concentrically located between said shaft means and said stator means--**

In claim 3:

line 3, change “its upper surface with” to **--an upper surface of said brush disk--**

In claim 4:

line 2, change "assembly" to "**means**"

In claim 5:

line 6, change "its center" to "**a center thereof**"

line 12, change "its center" to "**a center thereof**"

line 16, change "adapted for" to **is**

line 17, change "adapted for" to **--is--**

Allowable Subject Matter

Claims 1-5 are allowed.

Reason for Allowability

The following is an examiner's statement of reasons for allowance: the primary reason for the allowance is the including, in combination with other limitations recited in the claims, the limitations of a fuel cell powered electrical motor comprising:

an electrical motor including

shaft means;

stator means encircling said shaft means;

rotor means encircling said stator means;

a base plate means located perpendicularly to said shaft means, at a low part of the shaft means;

said fuel cell powered electrical motor further comprising:

a flywheel means located perpendicularly to said shaft means, at a top part of the shaft means;

and fuel cell stack means circularly disposed on said base plate means, and located concentrically between said shaft means and stator means;

said shaft means revolving together with said flywheel and rotor means, while said fuel cell stack and stator means are attached to said base plate means.

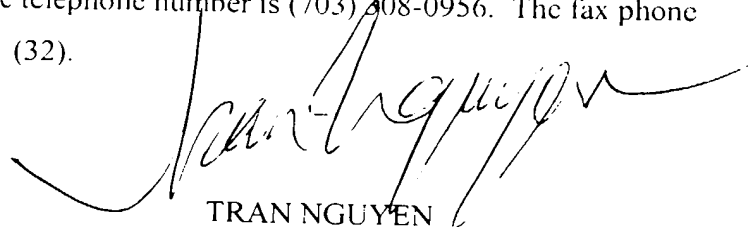
Comparing to the prior-art of the record, U.S. patents: 5923106, 6005322 are the most relevant references. Neither one of the patents discloses or suggests a flywheel and the location of the fuel cell stack means to be concentrically between the shaft means and the stator. Thus, none of the prior art references of the record, either stand alone or in combination, has taught or suggest the above-mentioned features, particularly the a flywheel means located perpendicularly to said shaft means, at a top part of the shaft means, and fuel cell stack means circularly disposed on said base plate means, and located concentrically between said shaft means and stator means, in combination with other limitations recited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran Nguyen whose telephone number is (703) 308-1639.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. The fax phone number for this Group is (703) 305-3431 (32).



TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800